

EXHIBIT 2
DEPOSITION OF GREG ESPARZA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

13-CV-01060 RB/KK

SHANNON BAUM,

Plaintiff,

vs.

OFFICER MICHELLE ORTEGA, et al.,

Defendants.

DEPOSITION OF GREG ESPARZA

October 10, 2014

2:00 p.m.

2019 Galisteo Street, Suite A-1
Santa Fe, New Mexico

CERTIFIED COPY

PURSUANT TO THE FEDERAL RULES OF CIVIL PROCEDURE,
this deposition was:

TAKEN BY: DANIEL R. MARLOWE, ESQ.
ATTORNEY FOR PLAINTIFF

REPORTED BY: CATHERINE LEON, CCR
New Mexico CCR No. 71
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1 A. No. It was part of the Academy training.

2 Q. Part of the Academy training, okay.

3 I note you are using your police report there
4 to refresh your recollection, I assume?

5 A. Yes.


6 Q. Can we attach that as an exhibit?

7 MR. BASHAM: Sure.

8 MR. MARLOWE: This will be Exhibit 1 to this
9 deposition.

10 (Exhibit 1 marked)

11 Q. (BY MR. MARLOWE) Why did you place a spit bag
12 on her?

13 A. After I placed her in the back of my patrol
14 unit -- the reason I placed her and didn't leave her
15 sitting in front was she was continuing yelling and
16 cursing, and she attempted to get up and what appeared
17 to be attempt to flee a couple times, then I sat her
18 back down, and then when she did it another time, that
19 is when I walked over to my patrol unit and put her in
20 the back of my patrol unit and seatbelted her. 

21 When she was in the back of my patrol unit,
22 she was continuing yelling, swearing, cursing, then
23 started to spit on the back partition and back windows
24 of the vehicle, so that is when I went, and I removed
25 the spit bag from my trunk -- the spit hood from my

1 Q. Anything like that?

2 A. No.

3 Q. What did you do after you arrested Shannon?

4 A. I am not sure what you are asking.

5 Q. After you arrested the defendant, the
6 individual that was there, what did you do after you
7 arrested her or after -- let me rephrase that.

8 A. Okay.

9 Q. After you placed her in the back of the car --

10 A. Okay.

11 Q. -- where did you go after that?

12 A. That is just what I had just explained to you.

13 MR. BASHAM: Explain that again.

14 A. After I placed her in the back of the car was
15 when I attempted to get more information from Officer
16 Ortega, so I was speaking to Officer Ortega when Shannon
17 was still in the back of my unit. She was still yelling
18 and hollering, and that is when she started to spit on
19 the back partition and back windows of the vehicle.

20 Q. Okay. What did Officer Ortega do -- what did
21 Officer Ortega say?

22 A. That is when I was attempting to get a
23 statement from her. That is when she was telling me
24 that she was -- she was still trying to get -- get calm
25 and stuff from the incident. She was telling me that

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